A CONCEPT OF RIGHTS IN BUDDHISM

Somparn Promta

There are a number of scholars who think that Buddhism does not give teachings on the subject of rights as known in Western philosophy. The rationale for this conclusion is that the Buddhist system of morality can be seen to be based on the individual as agent (*agent*-based morality). It is not a system of morality based on demands for rights (*right*-based morality). A right-based morality utilizes the concept of rights as a gauge for judging an action as right or wrong. For example, Mr. Black steals money from Mr. Red. Mr. Black's action is wrong because it violates Mr. Red's property rights. An agent-based morality utilizes the concept of individual worth as a gauge for judging an action as good or evil. If an action raises the human worth of its agent it is a good action, and if it lowers that person's human worth, it is a bad one. In the example above, according to the agent-based morality, Mr. Black's action is wrong not because it infringes on Mr. Red's property rights, but because it lowers Mr. Black's own personal worth.

Scholars who believe that Buddhism has no teachings on rights maintain that when Buddhism deems a certain action to be immoral, it means that the action lowers our personal worth, and in deeming a certain action to be good, it means that the action raises our personal worth. Thus it may be said that the Buddhist system of morality is of the agent-based theory, not the right-based one.

All these views arise from a failure to discern that the Buddhist system of morality actually contains two superimposed systems. Before going into the various problems, I would like to begin by dividing the Buddhist system of morality into two different systems. Once this point has been clarified, the way to creating a Buddhist social philosophy will be clearer, and in the process we will find out whether it is right to state that Buddhism has no teachings on rights.

The two systems of morality in Buddhism

Buddhism looks at the human being from two perspectives. Firstly, human beings are individuals. In this sense, Buddhism believes that human beings are under the control of natural laws known as niyāma.[1] Of the five niyāma described in Buddhist teachings, one is directly related to our discussion of morality, and that is kammaniyāma, the law of kamma. The law of kamma is the aspect of natural law which governs those human actions which have some ethical or moral value. It is the law that determines the results that certain actions will produce. For example, on his way home one day Mr. Green helps save a drowning child. His action in this case is one that entails a moral value. Kammaniyāma or the law of kamma determines that his action is a good one. When the action in time produces a result, with the ripening of the deed, it will be a result that is good for Mr. Green.

Thus, kammaniyāma is the natural law which governs all individuals insofar as their deeds (kamma) are concerned. Whatever a person may do, no matter when or where, if the action entails some moral value (deeds that entail some moral value are deeds that can be said to be either good or bad; deeds that cannot be determined as good or

---

[1] Saṅyutta Nikāya, Nidānavagga. Syāmraṭṭha Tipiṭaka, 16/61; Dīgha Nikāya Aṭṭhakathā, vol. 2, pp. 26-27. (There are two versions of the Pāli Tipiṭaka in Thailand: the Syāmraṭṭha Pāli Tipiṭaka and the Mahāchulālongkorn Pāli Tipiṭaka. The one used by the author in this article is the Syāmraṭṭha Pāli Tipiṭaka and its commentaries-*Editor.*)

bad, such as winding up a clock, or tying one's shoe laces, are not considered to be deeds entailing moral value), the law of kamma will 'record' those actions and give rise to vipāka (result) at the appropriate time. This system of effecting results is one kind of natural cause and result process. Buddhism holds that this process works just the same as other kinds of cause and result processes in nature, such as physical cause and result (utuniyāma). When we smoke a cigarette we receive some repercussion from the cigarette. This is a natural law. The process of kamma fruition is a natural law just like the natural law governing the smoking of cigarettes (utuniyāma). Nature has its own systems of settlement, and the fruition of deeds in their results is one of nature's systems of settlement.

When spreading the dhamma the Buddha gave teachings about the law of kamma. In terms of the teaching, the law of kamma is a vast subject, but its essence can be summarized in the following passage:

> Whatever seed a person plants,
> That is the fruit he receives.
> One who does good receives a good result,
> One who does bad receives a bad result.[2]

Essentially, Buddhism teaches that all people have the status of individuals. As an individual, each person is obliged to take responsibility for his or her own actions. All people are conducting their lives under the control and supervision of the law of kamma. Thus, whatever anybody may do, and wherever they do it, if that action entails a moral value the law of kamma will inevitably 'record' that action, and, at the appropriate time, produce an appropriate resulting effect in accordance with the quality of the deed. If the deed is a good one, it will produce a favorable result. If the deed is bad, it will produce a detrimental result. Within good and evil there are again different levels of intensity of resultant effects, depending on the nature of the deeds that led to them.

I would like to refer to this Buddhist system of morality for individual practice as '*individual morality*.' Note that individual morality is based on the law of kamma, and since the law of kamma, like other natural laws, is absolute and unchanging, knowing no relaxation or compromise, this moral system is characterized by fixity: wrong is wrong and right is right, there are no exceptions.

Buddhism not only looks on human beings from the perspective of individuals, but also from a second perspective, as components of society. In this sense, human beings are not separate individuals but members of communities. The Buddha gave a number of teachings as guidelines which may be used as a 'handbook' for community living, and among these the most well-known among students of Buddhism is the teaching on the six directions.[3]

This teaching essentially maintains that all individuals, when living in society, must relate to six groups of people, which the Buddha compared to the six directions, as follows:

1. Parents, including grandparents and senior relatives, are compared to the forward direction.
2. Teachers and mentors are compared to the rightward direction.
3. Wife and children are compared to the rearward direction.
4. Friends and associates are compared to the leftward direction.
5. Servants, employees or subordinates are compared to the nadir.

---

[2] Saṅyutta Nikāya, Sagāthavagga, Syāmraṭṭha Tipiṭaka, 15/903.
[3] Dīgha Nikāya, Pāṭikavagga, Syāmraṭṭha Tipiṭaka, 11/198-204.

6. Religious men or monastics of the religion one upholds are compared to the zenith.

Simply speaking, human beings must have parents, grandparents and senior relatives; they have teachers, they have children and wives or husbands; they have friends; they have subordinates or superiors; and lastly there are monks or religious persons whom they revere. People do not live alone. Even though some people may not have all six directions of relationship, they must have at least some of them, and as such they are not islands unto themselves. All six directions described by the Buddha can be seen to represent relationships between two people, and between those two people he taught the proper code of conduct for each to the other, as follows:

1. In the forward direction, parents and children (including grandparents or senior relatives and the children of the family), each side has a proper code of conduct as follows:

a. The duties of children to parents:

1. Having been raised by them, supporting them in return.
2. Helping them with their work.
3. Continuing the family line.
4. Behaving as is fitting for a family heir.
5. Performing acts of merit and dedicating the merits in their name when the parents have passed away.

b. The duties of parents to children:

1. Protecting them from evil.
2. Teaching them and establishing them in goodness.
3. Providing them with an education.
4. Arranging suitable spouses for them.
5. Bequeathing the inheritance to them at the appropriate time.

2. The rightward direction, teachers and students, have the following duties to each other:

a. The duties of a student to a teacher:

1. Rising to greet him.
2. Approaching him to serve him and receive advice.
3. Applying oneself to learning.
4. Being at the teacher's service.
5. Learning with respect.

b. The duties of a teacher to a student:

1. Training him to be a good person.
2. Teaching him so that he understands clearly.
3. Teaching him all the knowledge one has.
4. Praising him openly.
5. Providing him with a protection for when he must go out into the world (preparing the student to be able to get along in the world on his own).

3. In the rearward direction, husband and wife, each side has appropriate duties to the other as follows:

a. The duties of a husband to a wife:

1. Giving her the honor due to her station.
2. Not looking down on her.
3. Committing no adultery.
4. Giving her the authority of the household.
5. Providing her with occasional gifts of jewelry.

b. The duties of a wife to a husband:

1. Seeing that the house is kept in order.

2. Being helpful to relatives on both sides of the family.
3. Committing no adultery.
4. Protecting the wealth that her husband makes.
5. Being always diligent in her duties.

4. In the leftward direction, between friends and friends, each side has the following duties toward the other:

a. Our duties to our friends:
1. Being kind to them.
2. Speaking politely to them.
3. Conducting ourselves in a way that is beneficial to them.
4. Sticking with them in times good and bad.
5. Being faithful to them.

b. Our friends' duties to us:
1. Protecting us when we are heedless.
2. Protecting our wealth when we are heedless.
3. Being a refuge to us when we are in danger.
4. Not deserting us when we are down.
5. Respecting our relatives.

5. In the nadir, employers and employees (or superiors and subordinates), each side has appropriate duties to the other as follows:

a. The duties of an employer to his employees:
1. Giving them work commensurate with their strength and abilities.
2. Awarding them appropriate food and wages.
3. Looking after them when they are sick.
4. Sharing with them any special gains that accrue.
5. Giving them holidays from time to time.

b. The duties of an employee to an employer:
1. Rising to begin work before him.
2. Stopping work after him.
3. Taking only what is given by the employer.
4. Doing well the work appointed by the employer.
5. Spreading a good reputation of one's employer when the chance arises.

6. As to the zenith, the monastics and the lay people, each side has duties to the other as follows:

a. The duties of a layman to monk:
1. Performing any actions that affect the monks with goodwill.
2. Saying any words that affect the monks with goodwill.
3. Thinking any thoughts that affect the monks with goodwill.
4. Always opening one's door to receive them.
5. Providing them with the four supports [food, clothing, shelter and medicine].

b. The duties of a monk to a layman:
1. Protecting them from evil.
2. Teaching them and establishing them in goodness.
3. Assisting them with a benevolent mind.
4. Teaching them things they have never heard before.
5. Explaining things they have already heard.
6. Teaching them the way to heaven.[4]

---

[4] For a detailed point-by-point explanation of the teaching on the six directions, see the Commentary to the Dīgha Nikāya, vol. 3, pp. 144-151.

The reader may have noticed that the teaching on the six directions is essentially a description of the moral obligations to be upheld by people in a society with respect to each other. Living in a complicated society, we must meet and interact with a great many people, but when we analyze our relationships down they can be reduced to the six pairs described above. Thus the teaching on the six directions describes the totality of moral obligations for people in a society.

If we were to compile the teaching on the six directions and other teachings dealing with moral obligations for people in a social context into a system of morality, the result could be called '*social morality*.' This kind of morality differs from the individual morality already described in that it is a law or schedule for supervising social behavior, unlike individual morality which serves as a schedule for supervising individual behavior.

Social morality also differs from individual morality in that it is not based on the natural law of kammaniyāma. It is based instead on social convention. Since it is not based on natural law, social morality is not fixed and absolute, but subject to change or modification according to time and place. Taking an example from the teaching on the six directions, specifically the section dealing with the relationship between employer and employee, the examples given in the Tipiṭaka are based on the social situation of those times. Nowadays society is much more complicated, and the relations between employers and employees are more complex and more abstract. We cannot demand that workers rise to work before their bosses or stop working after them. All that we can reasonably demand in today's employment situation is that workers work efficiently and use their work time to really work.

Thus the Buddha's teaching on the six directions is very broad, suitable for use and adaptation even by later generations of Buddhists in societies that differed from that of the Buddha's India. That the Buddha gave the teaching in a form that could be relaxed and adapted, opening the way for interpretation or adaptation to changing social conditions, indicates that social morality arises from the collective nomination of a society's members. Even though the Buddha at first established them on his own authority, his intention to have social morality seen as a collective issue in which all people contribute their intelligence to establishing conventions appropriate to the occasion, is clear in his statements just before the parinibbāna (final passing away), in which he allowed the saṅgha (monastic Order) to in future modify any of its lesser regulations that appear to be at odds with prevailing social conditions.[5]

The relationship between the two moral systems

The Buddha's enlightenment enabled him to see that human life proceeds under the direction of natural laws. Among those natural laws there is one called the law of kamma. This law has the function of apportioning appropriate results for each of the actions people commit. There is no human action that escapes the supervision of this law of kamma. All acts of kamma will be 'recorded' to await the time for their fruition, regardless of whether those acts are done secretly or openly. Once the Buddha had seen into the fruition of kamma he taught its workings to other people. Buddhism regards understanding the law of kamma as of great benefit because it enables us to practice in conformity with that law. Those who understand the law of kamma are able to derive benefit from that law, just as people who understand the laws of nutrition are able to derive benefit from that knowledge by choosing food that is useful and avoiding food that is harmful.

---

[5] Dīgha Nikāya, Mahāvagga, Syāmraṭṭha Tipiṭaka, 10/141.

The law of kamma teaches us that it is each individual's responsibility to supervise his own life. Once he knows that nature has its own standard based on kamma, it is each person's responsibility to choose those actions that lead to his own benefit and happiness. The system of morality that is based on an understanding of the law of kamma and people supervising themselves within that law is what I have referred to as individual morality.

The Buddha stated that this natural law governing human circumstances exists regardless of whether a Buddha arises in the world or not.[6] Expanding on this, as far as the law of kamma goes, regardless of whether a Buddha arises to teach humanity that they are living under the supervision of the law of kamma or not, this law exists and quietly and constantly goes about its functions. People in ancient times who did not know of the Buddha's teaching (because Buddhism had not yet arisen) were inevitably affected by the law of kamma, but they did not know it. We may call this morality of the law of kamma an unwritten moral system. It is unwritten in that it is a purely abstract law, 'floating,' as it were, in nature, in the wind, in the sunlight, in the forests and mountains, and in communities. Whenever someone commits an act of kamma, this abstract moral law has a clear and unbiased system for apportioning results appropriate to that person's action. This system is an invisible one; it cannot be experienced by the senses.[7]

Once the Buddha had begun spreading the teaching and people began to seek ordination, the monastic Order (saṅgha) came into existence. At first the monastic community was small and problems did not arise, but as the community grew larger problems began to arise. There was, for example, the problem of the quality of individual saṅgha members. At first the Buddha personally selected those who were to be ordained as monks, but as the community grew larger, and more and more people expressed a wish to join the Order, it was no longer possible for the Buddha to personally screen every candidate for admission, so he allowed a quorum of members of the Order to ordain candidates. This opened the way for people of inferior quality to gain admission into the Order, and once they were admitted problems began to arise.

It is related in the Vinaya Piṭaka[8] that there was one monk who hated crows. Before he became a monk he had been an archer. Around the monastery where he was staying there were many crows, and, using a bow and arrow, he shot and killed many of them. He cut off the heads of the crows he had shot and impaled them on spikes circling his hut. People reported the matter to the Buddha. After investigating and ascertaining the truth of the matter, the Buddha declared the vinaya regulation forbidding monks from killing living beings, imposing a pācittiya offense for whoever did so.

Note that this vinaya rule is like all other vinaya rules for bhikkhus, (of which the Buddha established, one by one as appropriate occasion arose, a total of 227 during his time; i.e., it is a written law (by 'written' here I also include the spoken word). What is of particular note to the reader in regard to these vinaya rules is that the Buddha was well aware that all individuals are already subject to and supervised by the law of kamma. The crow-shooting monk was no exception: his killing of crows was bad kamma (pāpa), and that bad kamma was instantly recorded by the law of kamma. That monk would inevitably have to pay the karmic retribution for that act at some

---

[6] Saṅyutta Nikāya, Nidānavagga, Syāmraṭṭha Tipiṭaka, 16/61.
[7] Dhammapada, Khuddaka Nikāya, Syāmraṭṭha Tipiṭaka, 25/11.
[8] Vinaya Piṭaka, Mahāvibhaṅga, Syāmraṭṭha Tipiṭaka, 2/631.

time in the future. Nature already has its own perfect way of punishing wrongdoers, but that is a different matter from the establishment of the vinaya rules. That monk held two kinds of status: the first as an individual human being, the second as a member of the monastic community. From the perspective of the first status, the law of kamma was already taking care of that monk's actions, but from the perspective of his second status, it was up to the monastic community to deal with, as that monk's actions also had an effect on the community. The Buddha, using his authority as head of the Order, thus established the rule forbidding monks from killing living beings. This law was established on behalf of the monastic community to serve as a standard for punishment over and above the punishment already to be expected from the natural law of kamma.

Summarizing so far, while for all individual human beings there is the law of kamma meting out rewards and penalties for their actions, since people are also members of communities, they must also take responsibility for any actions that affect the community. When we analyze the case of the monk related above, we find that: (1) He held the status of individual human being whose behavior was supervised by the law of kamma. His killing of crows was an individual act of kamma, and that kamma would certainly bring forth results at some future time. (2) Over and above his status as an individual, he held the status of a member of the monastic community. In this latter sense, his killing of crows also had an effect on the monastic community because it was an action that lay people would criticize. Before laying down the rule, the Buddha censured the monk's actions as "not for the instilling of faith within those as yet unendowed with faith, or for the increase of faith in those already endowed with faith." Thus it can be seen that the main consideration in the Buddha's establishment of the vinaya was social, and this rationale can be seen at work in the following statement:

> For this reason, monks, I lay down the training rules for monks with the following ten objectives: 1. For the virtue of the Order; 2. for the well-being of the Order; 3. for the restraint of shameless ones; 4. for the comfort of monks of pure morality; 5. for the prevention of evil from arising in the present; 6. for the destruction of any evil that will arise in the future; 7. for the arising of faith in those as yet without faith; 8. for the increase of faith in those who have faith; 9. for the firm establishment of the true teaching; and 10. to serve as a model for fine and graceful ways.[9]

The vinaya is a code of morality for the Order. We may call this code of morality a written moral system. In general, any action that is determined as evil by the law of kamma will also be perceived as an evil by human beings. In other words, certain kinds of deeds are wrong both from the perspective of individual morality and from the perspective of social morality.

Be that as it may, some kinds of deeds, while not actually determined as an evil by the kammaniyāma, do have an effect on the monastic community, and for these the Buddha laid down vinaya rules imposing penalties on those who break them. An example of these is the vinaya rule against eating food after midday.[10] Members of the Order must preserve a decorum that inspires faith. Indulging in sloppy eating habits and eating playfully are not wrong according to the law of kamma, and a monk who eats sloppily cannot be taken as wrong from the perspective of individual morality, but he is wrong from the perspective of social morality.

---

[9] Vinaya Piṭaka, Mahāvibhaṅga, Syāmraṭṭha Tipiṭaka, 1/20. For an explanation of the benefit of laying down each of the vinaya rules, see the Vinaya Aṭṭhakathā vol. 1, pp. 262-265.

[10] Vinaya Piṭaka, Mahāvibhaṅga, Syāmraṭṭha Tipiṭaka, 2/850.

The necessity of social morality

After reading the above, the reader may begin to see that while all human beings already fall under the control and supervision of law of kamma, which may be called the moral system that oversees all individual actions, that system of morality is not sufficient. Its insufficiency may be simply illustrated with the following example: Mr. Green is an individual person. He does not believe the law of kamma. Because of his disbelief he takes pleasure in the occupation of being a thief. Mr. Green's actions have a destructive effect on the community. From the perspective of individual morality, Mr. Green must certainly pay for his actions at some point in the future, regardless of whether he believes in the law of kamma or not. One day the people who have been adversely affected by Mr. Green's actions gather at the local meeting hall to determine a course of action for alleviating the trouble. Mr. Mee proposes establishing a law to punish thieves, and explains the benefits to be expected from having such a law. Another man gets up and says, "It isn't necessary to have any laws, because nature has its own standards for punishing those who do wrong. Just let that thief go and let the law of kamma sort him out. We don't have to waste our time over him." Although that man's attitude accords with the Buddhist perceptive, it is not right because it considers only one side, the perspective of individual morality. As already stated, when we join a society we hold two kinds of status. The first is as human individuals, the second is as members of the community. Since we have these two kinds of status, the responsibility we have must also be of two kinds: personal responsibility and social responsibility.

When Mr. Green steals other people's belongings, he has two levels of responsibility: the first is personal responsibility, the second is responsibility to the community. The first responsibility is taken care of by the law of kamma, but for the second level of responsibility the people of the community must devise their own system for ensuring it. In suggesting that the community should establish a law to deal with Mr. Green, Mr. Mee is suggesting some kind of system for ensuring the social responsibility that Mr. Green must have.

Responsibility is a moral concept. When Mr. Green steals money, Buddhism explains that: (a) From the perspective of the individual, the action is wrong because it arises from the unwholesome roots of action. Simply speaking, Mr. Green's action is immoral because it springs from the bad natural impulses within him which are greed, hatred and delusion. According to the law of kamma, actions arising from the unwholesome roots must inevitably result in suffering. The natural law known as kammaniyāma already has within it the system by which justice is maintained in this case. Kammaniyāma says: you can steal money if you want to, but once you have stolen you must take responsibility for that by paying the retribution—by going to hell, for example. (b) From the perspective of society, since stealing causes trouble for others and infringes on their property rights, personal responsibility is not enough. In this respect Buddhism gives a lot of leeway: if a society wishes to establish a system for demanding social responsibility for certain actions which disturb the well-being of the community, it is that society's duty and responsibility to determine that code for itself. To this end, Buddhism suggests a number of moral principles (to be detailed later) which may be used as guidelines in designing that system. These principles act as foundations from which the people within a community can derive the details.

In his time the Buddha did not devise a political system for procuring social responsibility (for whatever reason that may be), but in regard to the monastic community, which the Buddha administered, he did establish a very clear system. The monks' vinaya was the Buddha's system for demanding acceptance of social responsibility by the monks. When a monk killed crows, he would have to accept

social responsibility over and above the personal responsibility he was subject to with the law of kamma, and that was to be in the form of an offense (āpatti) imposed upon him.

In my view, the example provided by the Buddha may be used as a paradigm for establishing a system of social responsibility. Simply speaking, if we believe that Thai society is a Buddhist society and wish to use Buddhist principles as a basis for determining a system for demanding social responsibility in our country, we may use the guidelines and methods laid down for the monastic community as a case in point, and when I presently speak of a system for demanding social responsibility according to the Buddhist perspective, I will be using the guidelines the Buddha used with the Order as my model.

The five precepts and social responsibility

It is related in the suttas how at one time the Buddha was traveling through the town of Veḷudvāra, a village in the Kingdom of Kosala. The villagers came to see the Buddha and asked him for a teaching which would be of help to them as family members involved in the worldly concerns of mundane society. In response to the villagers of Veḷudvāra's request, the Buddha gave the following teaching, known as the seven attūpanāyikadhamma:

> Householders, I will teach you the attūpanāyikadhamma, please pay attention. Now, householders, what are the attūpanāyikadhamma? The attūpanāyikadhamma are as follows: A noble disciple in this Teaching and Discipline, householders, considers thus: "I wish to have life, I do not wish to die; I want happiness, I abhor suffering. If anyone were to kill me, I who wish to have life, who does not want to die, who wants happiness and abhors suffering, that person's actions would not be pleasing to me. And if I were to kill someone else, one who wanted to live, did not want to die, who wanted happiness and abhorred suffering, my action would not be pleasing to that person... If someone were to take something I had not given... commit adultery with my wife... lie to me...slander me... utter harsh words to me... utter frivolous speech to me, that person's actions would not be pleasing to me. And if I were to take something another person had not given... commit adultery with his wife... lie to him... slander him... utter harsh words to him... utter frivolous speech to him, my actions would not be pleasing to that person." [11]

The Buddha's attūpanāyikadhamma are in effect a gauge for determining what things people in a community should observe or respect in regard to one another. In essence, the principle is one of asking oneself how one would feel if someone else did the same thing to one. The Buddha mentioned seven actions—killing, stealing, and committing adultery (these three being bodily actions), and lying, slandering, uttering harsh speech, and uttering frivolous speech (these four being verbal actions)—instructing the villagers of Veḷudvāra to ask themselves whether they would be pleased if someone were to do these seven things to them. The answer was naturally that they would not. When the householders had answered in this way, the Buddha continued that it is the same for other people: if we did these things to them they would also not be pleased. We may call these attūpanāyikadhamma 'principles for gauging right and wrong based on comparing the feelings of others with one's own' (the self-comparing principle). According to this principle, any action we feel we would not want others to do to us is a wrongdoing.

In our lives there are many actions in regard to which we could ask ourselves as above and come to the conclusion that they are wrong, but of the examples given by

---

[11] Saṅyutta Nikāya, Mahāvāravagga, Syāmraṭṭha Tipiṭaka, 19/1458-1465.

the Buddha to the townspeople of Veḷudvāra for reflection and practice there were only seven. These seven can be included in all but the last, drinking liquor and intoxicants, of the five precepts. Having reached this point there is one other conclusion we can draw: not only are the five precepts a personal ethic, as is well known, but also a social ethic. They are social ethic in that, as can be seen from the teaching on the attūpanāyikadhamma, the source of the five precepts, what the Buddha used as a basis for justification for not violating the five precepts, was simply the rationale that we do not have the right to do so. Why do we not have the right? Because that life we are going to take belongs to someone else; the possession we are going to steal belongs to someone else; the partner we are going to commit adultery with belongs to someone else; the person we are going to lie to is the one who gets hurt, not us. Since they are not us and do not belong to us, we do not have the right to violate them. This explanation indicates that the five precepts are partly a social ethic. As a social ethic, we may further explain that the Buddha established the five precepts not only as a personal ethic for the individual (i.e., as principles of practice for leading to individual transcendence of suffering), but also as means for demanding social responsibility. We should not kill animals, steal, commit adultery or hurt people with false speech because these actions will drag down our own lives (according to the personal ethic) and we have no right to do so (according to the social ethic). If we want to know which actions we do not have the right to do, the Buddha's teaching on the attūpanāyikadhamma can be used as a gauge.

Personal morality is based on the concept of the agent; Social morality is based on the concept of rights

From all of the above, it may be concluded that:

a. The Buddhist system of morality can be divided into two systems: individual morality and social morality.

b. One and the same principle may be looked at as individual morality or as social morality. This is so because the violation of some principles is not only wrong in terms of the kammaniyāma, but also in terms of society, and this latter kind of wrongdoing, if analyzed down to its roots, can be seen to be wrong because it is a violation of other people's rights. Some principles may be interpreted solely as individual morality and not as social morality because the violation of such principles is wrong from the perspective of kammaniyāma, but not socially. Some principles may be interpreted as purely social morality, and cannot be interpreted as individual morality, because the violation of those principles is a social wrong but is not wrong according to the kammaniyāma.

At the beginning of this article I stated that there are a number of scholars who understand Buddhist morality to be strictly the agent-based morality, not the right-based morality. Having reached this point the reader may now see that this view is not correct. Correctly speaking, it must be said that Buddhist morality has two systems: the first is individual morality and the second is social morality.

Rights in the Buddhist view

There are other scholars who state that Buddhism does not deal with rights for different reasons from that of the previous group. They do not base their conclusions on the teachings, but on the word itself. They feel that the word 'rights' is a Western concept appearing in political philosophy and in modern western society. We do not find the word 'rights' in Buddhist texts because Buddhism is an ancient system of belief. In my view, the word is not the important thing. The important thing is the meaning. A system of thought may not mention the word 'rights' at all, and yet the

content of that system of thought teaches something that corresponds with the meaning of the word 'rights' as understood in Western philosophy. I would say that such a system of thought deals with rights. In this way, although the word 'rights' does not appear as such in the Buddha's teachings, if we can demonstrate that the principles taught by the Buddha do deal with that which is essentially the same in meaning as the concept of rights in Western philosophy, then we can emphatically say that Buddhism does speak of rights.

Natural rights

The first thing we will consider is what Buddhism believes in regard to natural rights. In the West there are two opposing schools of thought on this subject. One maintains that there are rights in nature, while the other maintains that natural rights are simply a concept coined as a rationale to explain legal rights, and that there are no 'natural rights' as such. To begin with I would like to investigate how Buddhism stands in relation to these two views.

Some students of Buddhism think that, according to Buddhism's teaching of anattā, human beings cannot claim ownership to anything at all, even the five khandhas they occupy. Since that is so, human beings cannot claim any rights in nature. This view arises from not discerning that there are two levels of teaching in Buddhism: one level is that which deals with paramattha sacca (ultimate truth), the other is that which deals with sammutti sacca (relative or conventional truth).

It is often understood that among the Buddha's teachings, that part which deals with the paramattha sacca is truer than that which deals with sammutti sacca. This is a misunderstanding. In fact both levels of truth are equally true, but in different senses. Sammutti sacca is the truth that appears through the senses; paramattha sacca is the truth that arises from analyzing any given thing until its ultimate reality is perceived. For example, suppose that right now you are sitting talking to two friends. Let us call the first friend 'Green' and the second friend 'White.' Green is a northerner, of pale complexion, and he is an engineer. White is a southerner, of dark complexion, and he is a lecturer in a university. In terms of the paramattha sacca, these two friends, when analyzed down to the most fundamental level, are simply two piles consisting of five aggregates (khandha). On the level of paramattha, no state of being 'Green' or 'White' can be found, there are only the pure natural phenomena which have come together to form these two people, conventionally referred to as 'Green' and 'White.' From the perspective of sammutti sacca, however, these two people have their own peculiar identities as distinct from other people. Green is different from White, and White is different from Green. This is the peculiar individuality each of them has. If one were to ask whether in reality these two people were simply compounds of five aggregates or were individual persons with there own peculiar characteristics as they appear to be, Buddhism would answer that from the perspective of paramattha sacca, those two people are simply two sets of khandhas with the same nature—subject to the three characteristics of impermanence (anicca), stressfulness (dukkha) and not self (anattā)—but from the perspective of sammutti sacca, these two people are individual people, each with their own peculiar features. Both of these truths are equally true.

The two kinds of truth are related to the two levels of morality explained above. In other words, that Buddhism teaches these two levels of truth is in order to conform to the two systems of morality. When dealing with individual morality, Buddhism teaches us to look at the world from the perspective of paramattha sacca, but when it comes to dealing with social morality we cannot look at the world in terms of the paramattha sacca; we must look at it from another perspective, the perspective of sammutti sacca.

Let us take an example: suppose we are grieving over a dear friend who has been killed in an accident. Buddhism's ethical principle for the individual level says: Why don't you look at your friend as in reality, as simply the five khandhas arising and ceasing? By looking at the death of our friend as merely a natural phenomenon that happens, no different from a sand castle melting into the sea when the tide rises and the waves wash over it, we can alleviate our grief. In this case it can be seen that paramattha sacca plays a pivotal role, and the role it plays is a very appropriate one.

Suppose we are in economic dire straits and cannot keep up our payments on the television set we have bought on hire purchase. We find that our neighbor tends to leave his house door open while he is taking his bath, and in the house we can see where he keeps his money. One day our neighbor goes into the bathroom to bathe and leaves his door open, so we sneak into the house and steal some money, enough to enable us to comfortably make our TV payments for the month. In justification, we explain our actions to ourselves in terms of the paramattha sacca: that our neighbor is merely a composition of the five khandhas, and that the money he thinks he owns is merely rūpakhandha. According to the principle of anattā, no one can claim ownership of anything. Thus on the ultimate level that money doesn't belong to anybody. That we, who are simply a composition of the five khandhas, broke in and snatched a pile of rūpakhandha, which was money, which another composition of five khandhas deludedly believed to be his, is in no way a violation of moral principles.

This kind of explanation was used by some of the philosophical schools in the Buddha's India to comfort certain groups of people who had to live lives based on hurting, plundering or killing others, such as soldiers or bandits. These philosophies began with a view of the world in terms of the paramattha sacca, just as Buddhist philosophy does, but unlike Buddhism they believed that only paramattha sacca is true, and sammutti sacca is false,[12] while Buddhism gives equal validity to both levels of truth. Thus in the Buddhist view the episode described above is a misuse of paramattha sacca. Here we are dealing with social morality. We are stealing our neighbor's money, performing an action that will adversely affect the rights of another person. We must explain the situation in terms of the second level of ethical principles, social morality.

That Buddhism embraces equally both levels of truth has important philosophical implications: in the Buddhist view, higher philosophy and social philosophy have equal status. Buddhism does not give any more importance to the world view that penetrates into the source or core of things than the world view based on common sense, nor does it give any more importance to looking at the world with common sense than it does to looking at the world on the ultimate level. On the contrary, Buddhism believes that both levels of world perception are equally important. Human beings live in the natural world and in the world of convention: natural truth (paramattha sacca) and conventional truth (sammutti sacca) are equally meaningful. Even though in terms of the paramattha sacca Buddhism maintains that human beings have no right to claim ownership of anything, passages such as the following may be found which indicate that, in terms of sammutti sacca, Buddhism concedes that human beings may rightfully claim ownership of things:

> Brahmin! What is ārakkhasampadā? Brahmin, a son of good family has wealth acquired through his own labor, by the sweat of his own arms, righteously gained. He

---

[12] Examples of these philosophies may be seen in the views of the philosopher known as Pakudha Kaccāyana and the views appearing in the Bhagavad Gīta. See Dīgha Nikāya, Sīlakhandhavagga, Syāmraṭṭha Tipiṭaka, 9/97; Bhagavad Gīta 2. 16-72.

> organizes protection for that wealth, thinking, 'How can I make it so that kings will not come and take my wealth, thieves will not steal it, fire will not destroy it, floods will not sweep it away, and my evil relatives will not make off with it.' This, Brahmin, is ārakkhasampadā (endowment with protection).[13]

The passage above was addressed by the Buddha to a Brahmin. It deals with the principles for maintaining a happy life in the present moment, known as the four diṭṭhadhammikattha (conditions for welfare in the present moment), consisting of uṭṭhānasampadā, industriousness in making a living, ārakkhasampadā, knowing how protect the wealth one has gained, kalyāṇamittatā, knowing how to associate with people who can serve as good examples, and samajīvitā, using wealth neither too excessively nor too stingingly. What is of particular note to the reader in the above passage is that the Buddha acknowledges that when *A* honestly and industriously makes a living, the wealth that accrues from his labors is rightfully his (uṭṭhānaviriyādhigatā bāhābalaparicitā sedāvakkhittā dhammikā dhammaladdhā). *A* has full rights to that wealth. That the Buddha acknowledged that ownership of such wealth is righteous has two fundamental implications: 1. *A* has full rights to the wealth; 2. it is the duty of other people to respect those rights. Whoever misappropriates *A*'s money or defrauds him of it is considered in Buddhism to have violated the precept on stealing. He has violated the moral precept because his action is not righteous, and the action is not righteous because it violates *A*'s rights.

Note that property rights, according to the Buddha's statement above, are contingent on a very important and fundamental right, which is the right to one's own body. In terms of the sammutti sacca, Buddhism begins its explanation of moral events with reference to the individual. Buddhism acknowledges that each person is the owner of his body and his life. As owners, people have full rights to do whatever they like with their bodies and their lives. Buddhism regards killing other people to be a violation of the precepts against killing, but not so suicide.[14] Buddhism maintains thus because it bases its system of morality on the assumption that each person is the owner of his or her life, and as the owner is entitled to do whatever he or she wishes with his or her possessions. Killing other people is immoral because it infringes on other people's rights to life. Conversely, killing oneself does not infringe on anybody else's rights, and thus committing suicide is not a violation of the precept against killing (pāṇātipāta).

Human rights

We may summarize the above by saying that Buddhism begins its views about natural rights at the body and life of the individual. All people have these rights equally, regardless of the situation of their birth, be they deformed or perfectly healthy, of high birth or low birth, rich or poor, male or female, clever or stupid. People may

---

[13] Aṅguttara Nikāya, Aṭṭhakanipāta, Syāmraṭṭha Tipiṭaka, 23/145.

[14] Dhammasaṅgaṇī Aṭṭhakathā, p. 145; Vinayapiṭakaṭīkā, vol. 1, p. 278. Regarding suicide, the reader should also bear in mind that we are here discussing it in terms of social morality, not in terms of individual morality. Simply speaking, we are here investigating the question of how Buddhism sees suicide from the social perspective. The answer is that it is not wrong because it does not infringe on other people's rights. People who commit suicide are using the rights they have to their own lives. When they no longer wish to live, it is their proper right to put an end to their own life. From the social perspective their action cannot be criticized. However, if considered from the perspective of individual morality, Buddhism sees suicide as wrong, since it is an action that arises from one of the unwholesome mental roots of action, delusion.

differ in these respects, but those differences are not the essence of their being human. Buddhism accepts that all people have equal status as human beings. Being human in this respect is defined by the presence of all five khandhas, and within these five khandhas there are the vital mental khandhas (nāmakhandha) of mind and its concomitants. This portion of the khandhas expresses itself in the feeling of self-love and desire for that which is good.[15] Simply speaking, all people, while differing in their external features, are equal in that they aspire to excellence and to lead their lives toward that excellence. From this perspective, we see that human beings do not have the right to use their fellow men as means to achieving their own ends. Buddhist ethics teaches us to relate to other people as fellows in birth, aging, sickness and death. The essence of this ethic is recognizing that all human beings cherish themselves and aspire to that which is good. This is the essential quality of being human. We must honor this essential quality and relate to our fellow human beings in conformity with it. Buddhism teaches us to relate to our fellows as beings with the same value and meaning as ourselves (i.e., as 'ends' rather than 'means'). Using other people as means to achieving selfish objectives is regarded as immoral in Buddhism. For example, Mr. Green is Mr. White's employer. He pays Mr. White less than he deserves. This action is immoral because (1) Mr. White is just as much a human being as Mr. Green; (2) as a human being Mr. White has hopes in life just the same as Mr. Green: just as Mr. Green wants his life to progress, Mr. White also wants his life to progress; (3) suppressing Mr. White's wage is not acknowledging the value which is Mr. White's aspirations for excellence in life; (4) thus Mr. Green's action is immoral.

The Buddhist view on human rights is based on its views on natural rights; in other words, human rights are simply natural rights. According to Buddhism, both human rights and natural rights really do exist within the individual human being. They are something that people obtain automatically at birth. Some people are born unintelligent; they fail to catch on to the deceptions of other people and do not even realize it when they have been duped by others. Buddhism considers taking advantage of others in this way to be immoral. Our friend may not know that he is being deceived. Not knowing, he may not be troubled by it, but since he is a human being he has been born complete with the natural right to not be exploited. No one can specify this right for another, and no one can institute it for anyone else: it is rather a natural process. When we are born, all of us, regardless of whether we are clever or stupid, aspire to that which is good for ourselves. Self esteem, the desire for the best that can possibly be obtained for oneself, is the essence of being human. This applies also to our unintelligent friend. When we deceive him we are committing a wrong. It is wrong because we are not respecting the right, which our friend has in full, to not be exploited as a means for personal advantage by others.

Some natural rights can be transferred, some not

We may divide natural rights into two categories: the first is *primary* natural rights, the second, *secondary* natural rights. Primary natural rights are the most fundamental level of rights. Secondary natural rights are the rights that are built on the foundation of primary natural rights.

When we use our energy (be it manual or mental labor) to produce something—suppose we work in a company and receive a wage of five thousand baht per month—the reward of our labor, the five thousand baht, is the product we have obtained from our expenditure of labor. Buddhism explains that we have full rights to that five thousand baht. This right to the five thousand baht is a natural right. Even though

---

[15] Dhammapada, Khuddaka Nikāya, Syāmraṭṭha Tipiṭaka, 25/20.

society may not state that we have a right to that money, we have a natural right to claim ownership. Note that this right to the money earned is not a fundamental right because it is possible to pose the question: on what foundation does this right rest? Simply speaking, when we say that we have a right to claim ownership of that five thousand baht, a friend may ask us why and on what basis we make the statement. Rights that are not fundamental in this way are what I refer to as 'secondary natural rights.'

When asked why we think we have a right to claim ownership of that five thousand baht, we may answer that it is because we have obtained it from the strength of our own labor. Since we are the owner of our own body and our own life, when we use them to produce something the product of our efforts naturally belongs to us. This is a right, is it not? Note that, having answered this far, there are no further questions. When we state that we are the owners of our lives, the statement is clear in itself. To ask why we believe we own our lives is a meaningless question. Rights to life and one's own body are the most fundamental level of rights for which no further basis can be found. This kind of right is what I refer to as 'primary natural rights.'

In summary, in the Buddhist view, rights to the body and to life are basic rights, the most fundamental level of rights requiring no other basis. Human ownership of the body and life is a fact that needs no rationale or explanation to support it. Rights to the body and to life are primary natural rights. When we use this body to produce something, we naturally have full rights to that product. The rights to the products resulting from bodily effort are secondary natural rights.

Among these two kinds of natural rights, the secondary natural rights are transferable. When we use our bodily strength to produce something and amass it as wealth, we have the right to that wealth. Any wealth that we do not want we can transfer to others. Such kinds of transfer, as in acts of generosity (dāna), or bequeathing inheritances, are transferences of rights to wealth. In the precept against stealing (adinnādāna) we find that the act of appropriating wealth is only wrong when the owner of the wealth has not transferred it out of his ownership. The word adinnādāna in itself indicates this: 'Taking what the owner has not given.'

Note that when we give something away or bequeath an inheritance, we are transferring our rights to that wealth to new owners. The people who receive the transfer of wealth then have natural rights to the wealth they have received. Thus the transference of wealth does not merely mean the transference of wealth, but more essentially the transference of rights. The important factor is rights; the wealth is simply what comes with those rights.

Primary natural rights differ radically from the secondary kind. Primary rights cannot be transferred. There are stories in the Tipiṭaka of monks who were disgusted with their lives and asked their fellow monks to kill them. When the Buddha heard of the matter, he adjudged that the monks who did the killing were wrong.[16] Notice that in this case the monks who were killed were fully prepared to die and in fact had asked someone to kill them, but their acquiescence to the act was not enough to justify it.

In the same Tipiṭaka passage it is related how a number of monks, disgusted with their lives, killed themselves. In this case the Buddha adjudged that the monks who so killed themselves were not wrong, but that their actions were merely 'inappropriate for a recluse (samaṇa).' In the Vinaya, a monk who commits suicide is not considered to be guilty of a pārājika offense, while one who kills someone who asks him to do so

[16] Vinaya Piṭaka, Mahāvibhaṅga, Syāmraṭṭha Tipiṭaka, 1/176-179.

is guilty of such an offense.[17] The two cases are very different. Over and above the Vinaya, suicide is not considered to be an act of killing (pāṇātipāta), while killing another person who asks one to do so, or out of compassion, to relieve them from intense suffering, is adjudged by Buddhism to be an act of pāṇātipāta.

That Buddhism has this perspective is based on the subject of rights to the body and life under discussion here. A is the owner of his body and his life. A has full rights to that body and life, but the right, according to Buddhism, is strictly A's. If A no longer wishes to live, he can use his rights to kill himself, and his death is not considered to be a breach of moral precepts (the clause 'pāṇātipāta' of the five precepts) because the action is still within the domain of the rights he possesses. But suppose that A is unable to kill himself, and he persuades B to do the job for him: Buddhism considers this to be a wrong, not on the part of *A*, but on the part of *B*. *A* is not wrong because his decision to die is his own right, but *B* has no right to kill *A*. Rights to life cannot be transferred. *A*'s desire to die and his asking *B* to do the job for him is not a transference of rights. Since there is no transference of rights, *B*'s actions are a violation of another person's rights. This is why *B* is wrong.

Primary natural rights and being human

Sartre has stated that human beings are cursed with freedom. He meant that freedom was the essence of being human, and that essence is bound to human life. It is not possible for human beings to disconnect this essence from themselves. They can liberate themselves from it only when they die. The attitude to rights to life in Buddhism is very similar to Sartre's idea. In the Buddhist view, a human being is the five khandhas. When these five khandhas are brought together in the form of a human being they produce a vast number of potentialities. Among those potentialities are conscience, aspiration for that which is believed to be good in life, and desire for excellence. These mental qualities are the essence of being human, and this essence is the source of the natural rights to the body and life mentioned above. *A* is born a human being. He is like other human beings, with their aspirations and hopes and their drive to pursue excellence. These potentialities are values in themselves. Whenever another person treats *A* in a way that does not conform with the acceptance of these values (such as by employing him to do work for a low wage without good reason), that person is violating *A*'s rights to life and his body. We may call this a violation of human rights in the Buddhist view. In the Buddhist view, being human is a product of many essential factors, and one of those is the potential to aspire to and strive for excellence. This potential is essentially the same as the primary natural right. Human beings are unable to shake off this essence of their humanity. Since primary rights are an essential factor of being human, primary rights are not something that can be transferred from one person to another.

The point made in the previous paragraph is a profound one, and its profundity may be more clearly explained if we distinguish between the ways the two kinds of natural rights can be referred to.

1. When saying that man has primary rights, the correct description of the relationship between human beings and those rights is 'man is rights.'

2. When saying that man has secondary rights, the correct description of the relationship between human beings and those rights is 'man has rights.'

'Being' and 'having' have disparate philosophical implications. We can relinquish something we have but we cannot relinquish something we are. Once we are born as human beings, we are endowed by nature with certain essential factors, and these

---

[17] Vinaya Piṭaka, Mahāvibhaṅga, Syāmraṭṭha Tipiṭaka, 1/176-179.

essential factors are the core of our being human. Buddhism holds that rights to the body and life are endowed by nature as our essential humanity. Since they are the essence or actuality of being human, it is not possible for human beings to relinquish those rights. A man who is fed up with life may kill himself, because that is his right. If he is afraid to do it himself or is unable to do so for some other reason, he may ask someone else to do the job for him. His request is still within his rights, but that request does not empower him to relinquish or transfer his rights to another, because those rights are a core within him. Any person who kills him, be it out of compassion or for any other reason, is, according to the Buddhist view, committing a wrong. We have no right to kill another, even if he agrees to it. Only the owner of a life has a right to put an end to that life.

The Buddhist attitude described here can be used to answer a number of ethical questions that are ongoing points of controversy, such as the question of buying and selling bodily organs to be used in medical transplants. Mr. Green is poor, so he decides to sell one of his bodily organs to Mr. Red, who is rich. In the Buddhist view, Mr. Red has no right to Mr. Green's organs, even though he may buy them fairly and Mr. Green was fully agreeable to the sale. Rights to the body and to life are not transferable. Thus, under no circumstances can one buy or sell human bodily organs without violating moral principles.

Be that as it may, since these rights come to an end the minute a human being dies (rights to the body and to life begin when the five khandhas come together as a human being and come to an end when the five khandhas break up),[18] making use of organs from a person who has already died and bequeathed them for such uses is not considered to be a violation of rights.

Legal rights

When people live together in a community there will naturally be the problems of friction and conflict. These problems can be alleviated and prevented by establishing communal regulations. An example of such regulations is the laws we use in our societies. The problems of conflict and friction between people in society arise from people not respecting each other's natural rights. The institution of laws to protect these natural rights is thus one way of solving the problem. Rights that are supported by law are known as legal rights.

In the Buddhist view, all human beings already have natural rights. They are rights to one's own body, rights to one's own life, and rights to whatever wealth accrues from that body and life. When people live together in a community, there will be those who do not respect these natural rights. This non-respect expresses itself in destructive actions such as murder. Such problems make it necessary for the community to institute regulations for protecting the natural rights that people already have. Buddhism has the following essential principles for instituting these regulations :

1. *Legal rights must conform with natural rights.* This is a general principle. It means that in instituting laws the first and foremost thing a legislator needs to consider is that all human beings already have natural rights. These natural rights are the foundations of legal rights. The legislation of laws for protecting rights will have no rational foundation if the legislator does not bear in mind these natural rights.

---

[18] An example of how Buddhism holds that rights to the body and to life come to an end at death can be seen in the fact that Buddhism does not hold that 'killing' a person already dead (believing that he is alive) is a moral wrong. See the first of the factors for pāṇātipāta (pāṇa means the being is alive. Killing a dead animal is not considered to be pāṇātipāta) in the *Commentary* to the Majjhima Nikāya, vol. 1, p. 211.

2. *The legislation of laws that cause the violation of the natural rights of some members of the community can only be done when there is sufficient reason.* Generally the natural rights that laws are capable of supporting are those rights that do not interfere with or violate the rights of other people. The legislation of laws for protecting these rights as in item (1) would present no problem if human society was without conflict, but in reality human society is full of conflict. In solving this conflict through legal means it is inevitable that a certain portion of the people will have their rights violated. Buddhism maintains that such violation of natural rights is tenable if there is sufficient reason for it. Here I would like to divide this question into two kinds, showing for each kind how much reasoning is sufficient for violation:

a. Individual problems. *A* is a human being. As a human being he has natural rights to his body and his life as already explained. When *A* commits a serious wrongdoing, the society deems that such a wrongdoing deserves capital punishment. Executing *A* is a violation of his natural rights. Buddhism holds that his rights to the body and life are not transferable. Thus, we can under no circumstances deprive *A* of life without violating these rights.

However, since *A*'s actions have a severe effect on the community, when the adverse effects resulting from the violation of *A*'s right to life are weighed up against the adverse effects that would result if society had no standards for punishing people who committed such wrongdoings and find the latter to be greater, Buddhism allows the use of laws that violate the rights of individuals who commit wrongdoings, as can be seen from items 1 to 6 of the Buddha's 10 principles for instituting the Vinaya, referred to in note 9 of this article.

Summarizing this as a principle, if an individual in a society commits a wrongdoing (a), and society considers that wrongdoing (a) is a greater evil than wrongdoing (b), which is the evil resulting from a violation of the natural rights of the person who commits the wrongdoing, the greater weight of that evil is in itself sufficient justification to enable us to institute a law that violates the rights of that individual. Since the punishment of the wrongdoer is not seen by Buddhism as a retribution, but as a lesson to the wrongdoer to correct his ways,[19] one thing that an assignor of punishment for any wrongdoing must bear in mind is how to make the punishment as light as possible but at the same time sufficiently heavy to effectively induce the wrongdoer to mend his ways.

In theory, it is possible to ask whether or not the legislation of a law that infringes on a person's rights is supported by Buddhism if the evil that arises from the punishment is equal to the evil it is meant to punish. In this respect I feel that in practice it would be very difficult to weigh up two kinds of evil and adjudge them to have the same 'weight.' Thus such a question, while it makes sense on the theoretical level, presents no problem on the practical level. Even on the theoretical level, we may say in answer that a law that imposes a punishment of equal wrong to the evil it is meant to punish is still feasible, but the law will be more acceptable if we are able to demonstrate that the amount of evil resulting from the commission of that wrong doing does in fact exceed the evil resulting from the punishment. A good punishment in the Buddhist view is one that violates the natural rights of the wrongdoer to the least possible extent and at the same time has two basic effects: it helps the wrongdoer to repent and become a good person, and it prevents the future arising of a similar

[19] Khuddaka Nikāya, Jātaka, Paṭhama Bhāgo, Syāmraṭṭha Tipiṭaka, 27/359.

kind of wrong doing.[20] Criminologists of some schools are of the view that the best way to prevent repetitions of like acts of evil is to impose heavier punishments for them. Buddhism does not dispute this outright, but it does demand a balance between the gravity of the violation of rights and the efficacy of that punishment in preventing future similar acts of evil from arising. Simply speaking, Buddhism does not condemn the imposition of a severe punishment when necessary, but the punishment must be a means that has undergone careful consideration and seen to be one that violates the natural rights of the wrongdoer to the least possible extent, and also to be effective in preventing future similar acts of wrongdoing.

b. Problems between groups or between individuals and groups. In cutting one Bangkok expressway, the government had to demand the surrender of some land belonging to a certain group of people. The people who were to surrender the land got together and protested, refusing to move from their land. This is an example of a conflict between groups. In this conflict there are two sides: the first is the community of people who own the land though which the expressway will pass; the second is the group of people who will be benefited by the expressway.

Suppose that ultimately the government decides to make the expressway, with the result that the people who had their land taken away had to move and, due to an outdated repatriation system, were given low payments for their land. The government's decision in this case could clearly be said to violate the property rights of the people of that community. The question arises as to on what basis the government's action, even though it violates the rights of a number of its citizens, can be justified. The problem of conflict between groups or between an individual and a group is referred to in Buddhism as vivādādhikaraṇa. It refers to the problems that arise from two groups or sides with different views about a certain issue. When both sides have explained the reasons for their stance in order to win the other side over to their view, and both sides continue to maintain their position, the Buddha recommended taking the will of the majority as the deciding factor. A decision made on the basis of the majority is known as yebhuyyasikā.[21]

In making decisions on a majority bases, we are often led to consider the question of justice: is a majority vote enough to make a decision a just one? Is it just that one group of people must relocate themselves from the place they have occupied for many generations simply because they happen to be a minority when compared to the group of people who stand to benefit from the expressway? How do we explain this?

This kind of problem arises with all systems that adhere to the majority consensus for solving conflicts (such as the democratic political system). In answer, Buddhism states that when speaking of justice we must see it as of two kinds: the first is justice of the system, the second is justice of individual cases which arise within that system. The question above is a problem because it is asked in reference to the second kind of

---

[20] The principles for punishment as described here were never directly spoken of by the Buddha. I have gleaned them from two important Buddhist teachings: 1. The principle that punishment is not retribution but a corrective measure to bring about improvement in the wrongdoer (see note 19); 2. the teaching that if one must do evil, then one should not do it often (Khuddaka Nikāya, Dhammapada, Syāmraṭṭha Tipiṭaka, 25/19). While the Buddha's statement refers to time, it would seem reasonable to extend it to the intensity of evil committed. Bringing the two teachings together, we can surmise that if it is necessary to give a punishment (a necessary evil), it should be as mild as possible, and it must always be born in mind that it is not an act of revenge or retribution, but a corrective measure given to allow the wrongdoer to correct himself and become a constructive member of the community in future.

[21] Vinaya Piṭaka, Cullavagga, Syāmraṭṭha Tipiṭaka, 6/611.

justice, justice of specific cases. It would present no problem if we were to answer the question in reference to the first kind of justice, justice of the system.

It is said in the suttas that shortly after the Buddha had entered into parinibbāna, the Brahmin Vassakāra had a meeting with Venerable Ānanda. He asked Venerable Ānanda whether, before his parinibbāna, the Buddha had appointed any monk to be the head of the Order in his place. Ānanda answered that he had not, and went on to explain that before the parinibbāna the Buddha had announced that the Order were to uphold and revere the Dhamma in his place.

The word 'Dhamma' here refers to the principles or the system established by the Buddha. Ānanda then went on to say that these principles or this system are what can be used to explain where the justice is in violating the personal rights of a monk when he commits a wrongdoing and a penalty is conferred on him. Note the following:

> Brahmin! The Arahant, Perfectly Enlightened Buddha, he who is all seeing, laid down the training rules and the pāṭimokkha discipline for monks. When the uposatha (observance) day comes around, we of the monks who live in the same area all come together and invite a monk who has accurately memorized the pāṭimokkha to recite the content of the pāṭimokkha. While that monk is reciting the pāṭimokkha, for any monk who has committed a wrongdoing we will impose an offense (āpatti) in accordance with the teachings and principles established by the Buddha. It is not we who impose the offenses; it is rather the Dhamma which does it through us.[22]

From the above passage it can be seen that in the Buddhist view, once someone has entered the monastic Order, that entrance is in itself the acceptance of the community regulations which all members of the Order accept as good and just principles. When one of them commits a wrong, the Order confers a penalty. The imposition of that penalty is essentially a violation of the individual rights of the wrongdoer, but it is a violation that is valid, and that validity is a validity of the system, not a validity of the group of individuals who have been appointed by the Order to confer the penalty.

The same principle applies to the settlement of disputes by reference to the majority: when two groups of monks have different views on a certain matter, and the minority is defeated, it is not the views that have been defeated, but the numbers. We must consider the issue of justice in terms of the system. The system referred to here is what the Buddha considered to be fair and just. It is natural to have different views on certain issues arising in large groups of people. When neither side is able to persuade the other to come over to its view, the best way to resolve the conflict is to refer to the voice of the majority. This does not mean that the 'winning' side is necessarily right or that the 'losing' side is necessarily wrong. Adherence to the majority view is simply a means for ensuring that the activities of the community proceed smoothly. The losing side in this instance need not necessarily be the losing side in other cases. Summarizing, the Buddha established the system of 'majority rule' to allow the Order, which will naturally contain differences of opinion on various issues, to proceed and function smoothly. The system is an open one. It is open in that 'winners' or 'losers' are not restricted to particular groups within the Order. The group that wins today may lose on a later day. To talk of justice we must look at the system as a whole, not at individual cases in isolated points in time.

The people in the community who had to surrender their land may seem to have been dealt an injustice when their case is looked at in isolation, but if we look on a wider scale, at the system as a whole, we find that these people may also be included in a larger group of people who will be benefited by the building of a dam, which is

---

[22] Majjhima Nikāya, Uparipaṇṇāsaka, Syāmraṭṭha Tipiṭaka, 14/111.

another case. At the same time, the villagers who are relocated in order to build the dam may be included within the larger group of people who will benefit from the building of a nuclear power station in another case. This is the justice of the system as a whole.

[Translated from the Thai version by *Bruce Evans*]